

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SWOR
05/30/08 11:38
9/14

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose MALDONADO-Alatorre,

Defendant,

'08 MJ 17 19

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 18, U.S.C., Section 1546(a)
POSSESSION OF COUNTERFEIT
DOCUMENTS

The undersigned complainant being duly sworn states:

On or about **May 29, 2008**, within the Southern District of California, defendant **Jose MALDONADO-Alatorre**, an alien, did knowingly possess an alien registration card, as evidence of authorized stay or employment in the United States, which the defendant knew to be forged, counterfeited, and falsely made; in violation of Title 18, United States Code, §1546(a).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

John R. Wallace

SIGNATURE OF COMPLAINANT

John R. Wallace

Supervisory Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY of MAY, 2008

Jan M. Adler

Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose MALDONADO-Alatorre****PROBABLE CAUSE STATEMENT**

On May 21, 2008, Border Patrol Agents from the San Diego Sector Smuggling Interdiction Group (SIG) conducted a knock and talk at a residence at the 3600 block of Z Street in San Diego, California. The purpose of the knock and talk was to speak to the registered owner of a Black Dodge Durango bearing California license plates that had failed to yield to Border Patrol Agents on April 25, 2008. Three alien smuggling principals had been arrested by Border Patrol agents at the same location previously. As a result of the knock and talk over two hundred pounds of marijuana was seized and several subjects were arrested. During the knock and talk agents observed a black Nissan pickup approach the location and then rapidly back up and depart the location.

A check of motorists previously cited in that area revealed a subject who identified himself as Jose MALDONADO-Alatorre. MALDONADO had been cited for driving without a license and no proof of insurance. An address in the 3600 block of Beta Street was given by MALDONADO to the police.

On May 29, 2008, at approximately 8:30 a.m., SIG agents observed a vehicle in the driveway of MALDONADO's residence on Beta Street that appeared to the agents as the same vehicle that had fled the Z Street address the week before. The vehicle was a black Nissan pickup bearing California license plates. Agents conducted a knock and talk at the address in order to interview the owner of the vehicle to determine if he had been the driver of the vehicle observed at the Z Street address.

Supervisory Border Patrol Agent J. Wallace approached the front door of the residence, located at the rear of the building. The metal screen security door was open, and the wooden inner door was ajar. Agent Wallace knocked on the door and the door swung inward. Agent Wallace observed a male Hispanic sleeping on the couch. Agent Wallace announced himself and asked the subject to wake up and come to the door. The subject, later identified as defendant **Jose MALDONADO-Alatorre**, woke up and came to the door. Agent Wallace identified himself a Border Patrol Agent and was wearing a tactical armored vest carrier clearly marked POLICE FEDERAL AGENT and bearing a Border Patrol badge. Agent Wallace asked the defendant if he lived at the location and the defendant stated he did for the last six months. Agent Wallace asked the defendant for permission to come in and speak to him. The defendant consented to the entry and Senior Patrol Agent A. Kahl witnessed the consent.

Agent Wallace and Kahl stepped into the living room. Agent Wallace queried the defendant as to his immigration status and the defendant admitted that he was a native and citizen of Mexico illegally present in the United States. At 10:50 a.m., Agent Wallace placed the defendant into custody. Four other adults in the found in the residence were found to be undocumented citizens from Mexico and they too were placed into custody.

One of those in custody was Carlos NERI-Lopez, who was the renter of the apartment. Agent Wallace asked NERI for permission to search the house for illegal contraband, narcotics and weapons. NERI gave Agent Wallace consent to search. Agent Wallace provided NERI a consent to search form which NERI read in the Spanish language and then signed with Agent Wallace and Kahl present.

Agents conducted a search of the residence and discovered a file folder labeled "Jose" in the children's bedroom closet. In the folder agents found multiple documents relating to Jose MALDONADO-Alatorre, the defendant, to include payment receipts and his Mexican Birth Certificate.

CONTINUATION OF COMPLAINT:

Jose MALDONADO-Alatorre

Found within that folder were also a set of fraudulent identification documents;

- 1) Fraudulent United States Social Security Administration Card bearing the name Jose MALDONADO-Alatorre.
- 2) Fraudulent United States Lawful Permanent Residence Card bearing the likeness of and name Jose MALDONADO Alatorre.
- 3) Fraudulent California Driver's License bearing the likeness of and name Jose MALDONADO.

These documents were seized as evidence.

STATEMENT OF DEFENDANT JOSE MALDONADO-ALATORRE:

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation.

The defendant stated that he is an undocumented Mexican national and that he is illegally present in the United States. He stated that he does not have, nor has he ever had, any immigration documents allowing him to enter or be in the United States legally. The defendant said that he was born on September 1, 1975 in Tecuala, Nayarit, Mexico. He stated that he currently lives at the Beta Street address, in San Diego, California at the apartment rented by his sister and brother-in-law, where he has lived for the past six months.

When asked when and how he had last entered the United States, the defendant said that he entered the United States illegally, through the hills, four years ago, through what he believed was the Tecate, California area. He stated that he had made arrangements with an alien smuggler to be crossed into the United States, and that he had to pay a \$1600.00 smuggling fee after being successfully smuggled into the United States.

The defendant was questioned about a fraudulent Resident Alien card, a fraudulent California Driver License both of which bore his photograph and biographical data, as well as a fraudulent Social Security Card bearing his name and a fraudulent Social Security number. The defendant said that he had obtained these documents in order to obtain work in the United States.

The defendant stated that he ordered and obtained the fraudulent Social Security card and fraudulent Resident Alien card immediately after entering the United States illegally. He said that he had paid a total of \$80.00 US for the two documents. The defendant stated that he met an unidentified individual in downtown San Diego, near Market Street, and that he ordered the false Social Security card and Resident Alien Card, and provided a photograph as well as the biographical information which he wished to appear on the documents. When asked, the defendant said that he did not provide the social security number which appeared on the card, and that the persons who produced the card provided the number.

The defendant stated that he obtained the fraudulent California Driver License in Los Angeles and that he had ordered and purchased it for \$50.00 US. He stated that he ordered and was later provided the document by an unidentified subject whom he met on Pacific Boulevard in Los Angeles. He stated that he again provided the photograph and the biographical data which he wished to appear on the license, including the address in Pacoima, where he used to live. When shown a photograph of himself with a blue background which appeared to match the photo depicted on the license, the defendant stated that this was in fact an original of the photograph which he had provided to be used in the fake license.

CONTINUATION OF COMPLAINT:**Jose MALDONADO-Alatorre**

The defendant stated that he had used and presented these fraudulent documents five times in the past to obtain work. MALDONADO stated that he had, in the last 3 1/2 years, worked the following jobs, for which he had used these documents to apply:

- 1) a job at TV SAT, a contracting firm
- 2) a job at Adelphia Cable, in Los Angeles
- 3) a job in construction, which he worked at for four months
- 4) a job at a fence-building company, which he held for about four months
- 5) a job with a concrete laying company at which he worked for three months

The defendant stated that he worked at all of these jobs after presenting the above-referenced documents to establish his identity and legal status. He further stated that he has been working illegally at these jobs for 3 1/2 years under the social security number listed on the card, which he conceded did not belong to him.

When asked, the defendant stated that he knew that it was a crime to possess these documents or present them as his own, but said that he did it in order to obtain work. When asked why he had not presented them to agents today, when they had questioned him as to his legal status, the defendant said because he only had them for work, and also that he realized that they did not "look right" and that he believed the officers might recognize that they were false.